

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

InBev USA LLC)	CASE NO.: 2:05 CV 298
)	
Plaintiff,)	
)	JUDGE GRAHAM
vs.)	
)	MAGISTRATE JUDGE KING
Hill Distributing Company, et al.,)	
)	
Defendants.)	

PERMANENT INJUNCTION

This matter is before the Court following the Memorandum Opinion and Order issued on April 3, 2006 (Document 56). As set forth in that Opinion and Order, summary judgment has been granted in favor of Defendants with respect to their claims seeking a declaration that InBev USA's termination of their franchise agreements would violate Ohio's Alcohol Beverages Franchise Act, O.R.C. §1333.82, et seq. (the "Franchise Act"). Accordingly, for the reasons set forth in that Opinion and Order, and for good cause shown, the Court hereby finds that:

- A. Plaintiff does not allege that just cause exists for the termination of its franchise agreements with Defendants, and Defendants do not consent to termination;
- B. Defendants have prevailed on the merits of their counterclaims for declaratory judgment and injunctive relief under the Franchise Act;
- C. The merger or combination of InBev USA, LLC, Labatt USA LLC, Beck's North America and/or Latrobe Brewing Company does not permit Plaintiff to terminate the franchise agreement of any of the Defendants under the Franchise Act;
- D. Defendants will be irreparably harmed absent the issuance of a permanent injunction; and
- E. Defendants have no adequate remedy at law.

Therefore, **IT IS ORDERED** that InBev USA LLC, and its agents, servants, employees, independent contractors, attorneys, and those in active concert or participation with them, are hereby permanently restrained and enjoined from doing any of the following based upon the events and

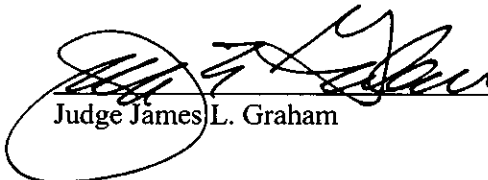
transactions that formed the basis for this litigation, including but not limited to the merger or combination of InBev USA, LLC, Labatt USA LLC, Beck's North America and/or Latrobe Brewing Company:

- 1) Terminating or altering its franchise with Defendants;
- 2) Withholding the delivery of beverages ordered by Defendants;
- 3) Changing or altering the exclusive sales territory of Defendants;
- 4) Taking any action to appoint any person or entity as a distributor to replace Defendants in their exclusive sales territory, and;
- 5) Terminating the authorization for consent to import alcoholic beverages in the State of Ohio issued at the request of InBev to Defendants.

The Court further **ORDERS** that the cash, bond and/or letters of credit submitted by Defendants to secure the Restraining Order dated March 31, 2005, are hereby **RELEASED** by the Court.

IT IS SO ORDERED.

DATE: 07-17-06



Judge James L. Graham

Submitted:

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